

SENATE BILL 512

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2004 Regular Session
4r2211
CF 4r2555

By: ~~Senator Jimeno~~ Senators Jimeno, Brochin, Forehand, Garagiola,
Giannetti, Green, Haines, Hughes, Jacobs, and Mooney

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Sexual Solicitation of a Minor**

3 FOR the purpose of prohibiting a person, with intent to commit certain sexual
4 offenses, from knowingly soliciting a minor, or an individual the person believes
5 to be a minor, to engage in activities that would be unlawful for the person to
6 engage in under certain provisions; providing that a certain violation is
7 considered to be committed in the State for purposes of determining jurisdiction
8 under certain circumstances; establishing a certain penalty; providing that a
9 certain person may intercept a wire, oral, or electronic communication in order
10 to provide evidence of the commission of a certain sexual solicitation of a minor;
11 providing that certain persons may apply to a judge for, and the judge may
12 grant, an order authorizing the interception of wire, oral, or electronic
13 communications in order to provide evidence of the commission of a certain
14 sexual solicitation of a minor; defining a certain term; and generally relating to
15 the sexual solicitation of a minor.

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 10-402(c)(2) and 10-406
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2003 Supplement)

21 BY adding to
22 Article - Criminal Law
23 Section 3-324
24 Annotated Code of Maryland

1 (2002 Volume and 2003 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Courts and Judicial Proceedings**

5 10-402.

6 (c) (2) (i) This paragraph applies to an interception in which:

7 1. The investigative or law enforcement officer or other
8 person is a party to the communication; or

9 2. One of the parties to the communication has given prior
10 consent to the interception.

11 (ii) It is lawful under this subtitle for an investigative or law
12 enforcement officer acting in a criminal investigation or any other person acting at
13 the prior direction and under the supervision of an investigative or law enforcement
14 officer to intercept a wire, oral, or electronic communication in order to provide
15 evidence:

16 1. Of the commission of:

17 A. Murder;

18 B. Kidnapping;

19 C. Rape;

20 D. A sexual offense in the first or second degree;

21 E. Child abuse;

22 F. Child pornography under § 11-207 or § 11-208 of the
23 Criminal Law Article;

24 G. Gambling;

25 H. Robbery under § 3-402 or § 3-403 of the Criminal Law
26 Article;

27 I. A felony under Title 6, Subtitle 1 of the Criminal Law
28 Article;

29 J. Bribery;

30 K. Extortion;

- 1 L. Dealing in a controlled dangerous substance, including a
2 violation of § 5-617 or § 5-619 of the Criminal Law Article;
- 3 M. A fraudulent insurance act, as defined in Title 27, Subtitle
4 4 of the Insurance Article;
- 5 N. An offense relating to destructive devices under § 4-503 of
6 the Criminal Law Article; [or]
- 7 O. SEXUAL SOLICITATION OF A MINOR UNDER § 3-324 OF THE
8 CRIMINAL LAW ARTICLE; OR

9 [O.] P. A conspiracy or solicitation to commit an offense
10 listed in items A through [N] O of this item; or

11 2. If:

- 12 A. A person has created a barricade situation; and
- 13 B. Probable cause exists for the investigative or law
14 enforcement officer to believe a hostage or hostages may be involved.

15 10-406.

16 (a) The Attorney General, State Prosecutor, or any State's Attorney may apply
17 to a judge of competent jurisdiction, and the judge, in accordance with the provisions
18 of § 10-408 of this subtitle, may grant an order authorizing the interception of wire,
19 oral, or electronic communications by investigative or law enforcement officers when
20 the interception may provide or has provided evidence of the commission of:

- 21 (1) Murder;
- 22 (2) Kidnapping;
- 23 (3) Child pornography under § 11-207 or § 11-208 of the Criminal Law
24 Article;
- 25 (4) Gambling;
- 26 (5) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- 27 (6) A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- 28 (7) Bribery;
- 29 (8) Extortion;
- 30 (9) Dealing in a controlled dangerous substance;
- 31 (10) An offense relating to destructive devices under § 4-503 of the
32 Criminal Law Article; [or]

